IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Crl.Rev.Pet.No. 3433 of 2007()

CRA.122/2001 of SESSIONS COURT, KALPETTA
CC.89/1998 of JUDL.MAGISTRATE OF FIRST CLASS, SULTHANBATHERY

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REVN. PETITIONER:

JOSEPH, S/O. PATHROS, MANGOOTTATHIL HOUSE,
NADAWAYAL AMSOM DESOM, S. BATHERI TALUK, WAYANAD.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

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1. THANKAMANI, D/O. RAMUNNI, KELLAKA HOUSE, WADAKKANADU,
KIDANGANAGU AMSOM, S. BATHERI TALUK, WAYANAD.

2. THE STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.M.N.MANMADAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No. 3433 of 2007

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Dated: 24th September 2007

ORDER

The accused in C.C. 89/1998 on the file of the J.F.C.M-I, Sulthan Bathery for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. 10031 of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C. Money, if any, deposited by the revision petitioner pursuant to the orders, if any, passed by the lower appellate court shall be refunded to the revision petitioner/accused. The revision petitioner shall be released from prison forthwith unless his continued detention is found necessary in connection with any other case against him.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR,
(JUDGE)

rv

V. RAMKUMAR, J

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CRL. M.A. NO. 10031 OF 2007

IN

UNNUMBERED CRL. R.P. OF 2007

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ORDER

Heard both sides.

Having regard to the averments in the affidavit in support of this petition, the delay of 1628 days in filing the above revision is condoned.

Registry to number the revision today itself.

V. RAMKUMAR, JUDGE.

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